

Dec. 4. 2015 10:54AM

No. 6580 P. 1

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**Chairman**  
John F. Shackelford

**Vice Chairman**  
Curt A. Leake

**Treasurer**  
David T. Crigler

**COMMITTEE FOR THE ADVANCEMENT OF  
LOUISIANA AGRICULTURE  
CALA**

**Directors**  
Timothy Methvin  
Charles M. Noble  
Ted E. Oliver  
Ted Schneider

December 4, 2015

Via Facsimile and U.S. Mail  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821  
(225) 381-7271

*Service Complete  
Entered in Filemaker*

2015 DEC -4 PM 12:31

RECEIVED

RE: Late Fee Assessment Waiver Request

*mNorn*

Dear Members of the Board of Ethics:

I appreciate the opportunity to address the members of the Louisiana Board of Ethics regarding a waiver request and I thank you for your time. I am the treasurer of the Committee for the Advancement of Louisiana Agriculture (CALA), and I am respectfully asking for consideration of leniency from the Board. I misinterpreted a filing requirement and filed a report fourteen (14) days late, and will explain my reasons below. It was an honest mistake that was corrected immediately upon receiving notification. While I believe late fees and fines are necessary to discourage untimely filings and attempts to skirt the rules, I submit to you that the punishment of \$2,800 does not fit the "crime" in this case.

Background

CALA is made up of Louisiana farmers and agribusinesses involved in the production of cotton, corn, soybeans, wheat, sorghum, rice and sugarcane. Our organization has and will continue to support policies and regulations that will protect and advance our state's agricultural industry in a sustainable and responsible manner. CALA is a small political action committee that operates from voluntary contributions from small donors. A fine of \$2,800.00 would result in the vast majority of our total receipts for the year (\$3,700.00) from our members being forfeited due to my misinterpretation of the rule.

Timeline of Events

Two separate contributions were given from CALA to the Jim Donelon Campaign Fund in April and in October of 2014. These two contributions were reported in CALA's 2014 Annual Report dated January 22, 2015 (Exhibit A).<sup>1</sup> It was my incorrect assumption that reporting the two contributions made in 2014 closed out the year, i.e. did not constitute a triggering mechanism for 2015 reports.

The 180<sup>th</sup> day prior to primary (180-P) report, covering the period from January 1, 2015 through April 17, 2015, was due by April 27, 2015. As you know, PACs that are supporting or

<sup>1</sup> <http://ethics.la.gov/CampaignFinanceSearch/15000813.pdf>

opposing a candidate are required to file the reports leading up to and following the primary and general elections. When I reviewed CALA's financial statement from January 1 through April 17, I confirmed that no donations had been given to candidates by CALA during that reporting period. It was at this point that I determined (incorrectly) that CALA was not required to file a report as no transactions were made during that period. Upon receiving the Notice of Delinquency and speaking to a representative of the Board of Ethics, I learned that the contributions made and reported by CALA in 2014 constituted its "support" for a candidate, which triggered reporting requirements for 2015. There was never any intent on my part to conceal any donations or transactions. In fact, each and every transaction has been reported. I respectfully ask you to consider what has been done since May 2015 (outlined below) in making your decision to waive or reduce the late fee assessment.

#### Why 14 Days Late?

The 180-P report was due on Monday, April 27, 2015. In a letter dated Friday, May 1, 2015, the Notice of Delinquency was sent to our office in Monroe (Exhibit B). The notice was addressed to CALA's Chairman, John Shackelford. Mr. Shackelford is a farmer from Mer Rouge, Louisiana, which is about forty-five (45) minutes from Monroe, and he is not regularly scheduled to be in our office. When our office receives mail addressed to Mr. Shackelford, it is given to Terry Duke to review and he will contact Mr. Shackelford if necessary.

Recall the date the notice was mailed – Friday, May 1<sup>st</sup>. While I do not have the exact date it was received in our office, it is safe to assume that it was at some point during the week beginning Monday, May 4<sup>th</sup>. Unfortunately, Mr. Duke was out of the office on a business trip during that entire week. Following the policy outlined in the preceding paragraph, the correspondence addressed to Mr. Shackelford was placed in Mr. Duke's box in the mail room. It was not until Monday, May 11<sup>th</sup> that Mr. Duke opened the notice and informed me of the delinquency. At that time, I immediately filed a 180-P report and called the Board of Ethics to determine why a report was required.<sup>2</sup>

#### Change in Office Policy

After filing the late 180-P report to end the period of delinquency, I immediately drafted the attached interoffice memorandum to all employees who sit at the reception desk and/or sort mail (Exhibit C). I asked them for their help in notifying both Terry Duke and myself upon receipt from any correspondence from the Board of Ethics and the Federal Election Commission. While this will not remedy any future mistakes made by the treasurer of CALA, it will ensure that we are promptly aware of any future notices requiring immediate attention.

With regard to my misinterpretation of the filing requirements, I have taken the advice of Ms. Judy of the Board of Ethics given to me during our May 11, 2015 telephone conversation. I have bookmarked the Schedule of Reporting and Filing Dates<sup>3</sup> on my computer browser; I have printed a copy and displayed it on my office bulletin board; and I have entered into my Outlook Calendar reminders for each and every date a report is to be filed. When a reminder appears and

<sup>2</sup> <http://ethics.la.gov/CampaignFinanceSearch/15003659.pdf>

<sup>3</sup> <http://ethics.la.gov/Pub/CampFinan/Sched/20151024.pdf>

I am less than 100% sure that CALA is/is not required to file a report, I will pick up the phone and call (and e-mail if phone call is not answered) the Board of Ethics office to ensure I am in compliance. A recent example of this policy in action is attached for your reference (Exhibit D).

Conclusion

I appreciate the opportunity to request a waiver or a reduction of the late fee assessment. I can assure the members of the board that it was truly an honest mistake, that I have learned from my mistake, that I have taken corrective measures to avoid a repeat mistake, and that I am a better treasurer for CALA and its members than I was before April 27, 2015. A waiver or reduction in the \$2,800.00 fee would be extremely helpful to our small PAC, and your consideration is greatly appreciated. I respectfully request to appear before the Board of Ethics in connection with this request to answer any questions the board members may have and to personally thank the board members for their consideration of this waiver request.

Thank you very much, and I look forward to hearing from you.

Sincerely,



David Crigler  
CALA Treasurer  
(318) 322-2999  
[david\\_crigler@ajg.com](mailto:david_crigler@ajg.com)

**A****SCHEDULE E-1: GENERAL EXPENDITURES**

Use this schedule to report information on most committee expenditures, during this reporting period. If the expenditure directly benefited a particular candidate(s), list the candidate(s) name under item 1. However, (1) in-kind expenditures, and (2) expenditures to candidates or their committees should be reported on SCHEDULES E-2 and E-3, respectively, and should not be reported on this schedule. An "expenditure" is any payment made for the purpose of supporting or opposing the election of a candidate for public office or supporting or opposing a proposition or question submitted to the voters. Expenditures include monies spent for the committee's general operating expenses. Any payments made that are not "expenditures" should be reported on SCHEDULE E-4: OTHER DISBURSEMENTS. Totals and subtotals at bottom of page are optional but will assist in completing the Summary Page.

1. Name and Address of Recipient	2. Expenditures this Reporting Period		c. Amount(s)
	a. Date(s)	b. Purpose(s)	
Jim Donelon Campaign Fund P.O. Box 6993 Metairie, LA 70009  Candidate Beneficiaries:	4/10/2014	Political Contribution	2,500.00
Jim Donelon Campaign Fund P.O. Box 6993 Metairie, LA 70009  Candidate Beneficiaries:	10/22/2014	Political Contribution	1,000.00
Candidate Beneficiaries:			
Candidate Beneficiaries:			
Candidate Beneficiaries:			
Candidate Beneficiaries:			
Candidate Beneficiaries:			
Candidate Beneficiaries:			
3. SUBTOTAL (optional)			
4. TOTAL (optional - complete only on last page of this schedule)			3,500.00

Form 202, Rev. 3/98, Page Rev. 3/98



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 219-6800  
FAX: (225) 381-7271  
1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

**B**

**May 1, 2015**

**John F. Shackelford, Chairman**  
**Committee for the Advancement of LA Agriculture**  
**3000 Kilpatrick Blvd.**  
**Monroe, LA 71201**

### **NOTICE OF DELINQUENCY**

Your 180th day prior to primary (180-P) campaign finance disclosure report which was due by April 27, 2015, has not yet been received. You are subject to automatic late filing fees for every day that report is late.

**A late filing fee of \$200 per day is now being  
assessed for every day your report is late.**

Political Action Committees that receive contributions or loans in excess of \$50,000 in a calendar year or which makes expenditures in excess of \$50,000 in a calendar year are required to electronically file their financial disclosure reports.

If your report is not filed by May 13, 2015 additional penalties of up to \$10,000 may be imposed by the Board of Ethics after an administrative hearing.

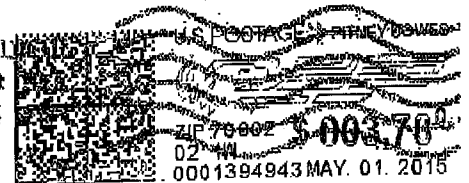
Once your report is received, you will be sent a notice with a total of late fees assessed.

**CERTIFIED MAIL**

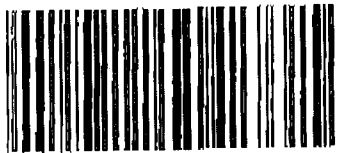
Dec. 4. 2015 10:55AM

BOARD OF ETHICS  
Box 4368  
Monroe, LA 70821

PLEASE OPEN  
IMMEDIATELY



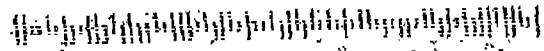
STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



2920 0000 4359 1575

John F. Shackelford, Chairman  
Committee for the Advancement of LA  
Agriculture  
3000 Kilpatrick Blvd.  
Monroe, LA 71201

71201#5166



C

**INTEROFFICE MEMO**

**TO: Receptionist**  
**From: David Crigler**  
**RE: CALA Correspondence**  
**Date: May 11, 2015**

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When our office receives correspondence addressed to the Committee for the Advancement of Louisiana Agriculture (CALA) and/or John Shackelford, please place it in my box in the mail room and notify (via e-mail and/or phone) both me (CALA Treasurer) and Terry Duke of receipt as soon as possible. These letters will be from the Louisiana Board of Ethics and/or the Federal Elections Commission (FEC).

In the past, any correspondence addressed to John Shackelford has been placed in Terry Duke's box in the mail room. From this point forward, it is imperative that you notify me and Terry Duke upon receipt of correspondence from either of the above-named organizations.

Recently, the Louisiana Board of Ethics mailed to us on Friday, May 1, 2015 a notice of delinquency addressed to John Shackelford. When the certified mail was received the next week, it was placed in Terry's box. Unfortunately, Terry was out of the office on business that entire week (May 4-8), and it was not until Monday, May 11 that he opened the correspondence from the Board of Ethics. He informed me of the notice, and I immediately filed a report. Had we had the above proposed policy in place, we would have been able to mitigate significant late fees (\$200 per day).

I take full responsibility for not having proposed this policy before now, and I believe that if we approach future CALA correspondence as a team, we will be able to catch mistakes, make needed corrections quickly and avoid any future non-compliance.

Thanks for your help, and feel free to contact me with any questions.

David Crigler

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**David Crigler**

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**From:** Chris Sommers <Chris.Sommers@LA.GOV>  
**Sent:** Friday, November 20, 2015 1:57 PM  
**To:** David Crigler  
**Subject:** RE: Special 48 hour Report: Campaign Finance Inquiries

Specials are filed for contributions/loan coming into the PAC and expenditures to those who make endorsements, who must also file campaign finance disclosure reports (this transaction is not contributions to candidates)

Chris Sommers, Division Director  
Campaign Finance & Lobbying  
Ethics Administration  
P. O. Box 4368  
Baton Rouge, Louisiana 70821  
225/219-5600  
1-800-842-6630

DISCLAIMER: The contents of this message are for information purposes only and does not constitute an advisory opinion of the Board of Ethics. If you would like to request an advisory opinion from the Louisiana Board of Ethics, please refer to <http://www.ethics.state.la.us/BoardProcedures.aspx> for information about submitting a request for an advisory opinion.

-----Original Message-----

**From:** [david\\_crigler@ajg.com](mailto:david_crigler@ajg.com) [[mailto:david\\_crigler@ajg.com](mailto:david_crigler@ajg.com)]  
**Sent:** Friday, November 20, 2015 10:52 AM  
**To:** Chris Sommers  
**Subject:** Special 48 hour Report: Campaign Finance Inquiries

**Campaign Finance Inquiries**

I am the Treasurer of the Committee for the Advancement of Louisiana Agriculture (CALA), and am trying to determine if a \$500 contribution to a House of Representatives candidate made yesterday requires me to file a Special 48 hour report. My reading of the instructions tells me that we are not required to file, but I wanted to confirm with Campaign Finance. I have called a few times but have not reached anyone, and I left a voicemail asking for a return call to confirm that a report is not required. If it is required, I will get it filed today.

Thanks for your help.

David Crigler  
(318) 237-1849